GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prohibition and Excise- Sri T.Satyanarayana Rao formerly Prohibition and Excise Sub-Inspector Narasapuram- ACB trap case registered on 15.09.1998 – Special Judge for SP & ACB cases Vijayawada judgment dated 15.12.2006 - Acquitted the AO - Appeal filed in the Hon'ble high Court in Appeal No 687/2007 – Request of Sri T.Satyanarayana Rao for regularization of suspension period from 14.10.1998 to 17.06.2002- Orders – Issued.

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REVENUE (VIGIALNCE.IV.2) DEPARTMENT

G.O.RT.No. 1150 Dated: 08-12-2016

Read:

Representation Sri T.Satyanarayana Rao P&EI dated 08.09.2016.

ORDER:

It was brought to the notice of the Government that the Anti-Corruption Bureau, officials have trapped Accused Officer.1, Sri R. Nagendra Rao, Prohibition & Excise Inspector and Sri T. Satyanarayana, Prohibition & Excise Sub-Inspector, on 15.09.1998 while accepting bribe of Rs.10,000/- from the complainant for doing official favour. The Director General, Anti-Corruption Bureau in his final report has recommended for prosecution of Sri T. Satyanarayana, and to place Sri R. Nagendra Rao, before the Tribunal for Disciplinary Proceedings on his defence. Government accorded sanction to the Director General, Anti-Corruption Bureau for prosecution of Sri T. Satyanarayana in a Court of law vide G.O.Ms.No.263, Revenue (Excise.I) Department Dt.6.5.2000 and Sri R. Nagendra Rao, P&E Inspector was placed before the Tribunal for Disciplinary Proceedings, vide Memo dt:28.04.2000.

2) Whereas, the Director General, Anti-Corruption Bureau has informed the Government that the Special Judge for SPE & ACB Cases, Vijayawada pronounced judgment on 15.12.2006 acquitting Sri T.Satyanarayana and also informed that the Bureau is of the opinion that there are grounds to prefer an appeal in the High Court against the acquittal of Sri T. Satyanarayana, Prohibition & Excise Sub-Inspector and requested the Government to accord permission to file appeal in the High Court of Andhra Pradesh. Government, vide memo 04.04.2007, have given permission to Director General, Anti-Corruption Bureau to file appeal before the High Court of Andhra Pradesh against the trail court acquittal. Accordingly, the Director General, Anti Corruption Bureau, has filed Appeal No 687/2007 and the same is still pending in the Hon'ble High Court.

3) In the reference read above, Sri T. Satyanarayana Rao, Prohibition & Excise Inspector has filed representation before the Government on the following grounds:

- While he was working as Prohibition & Excise Sub-Inspector, Narsapuram, he was implicated in a stage managed and foisted Anti-Corruption Bureau Trap Case along with the Circle Inspector Sri R. Nagendar Rao on 15-09-1998 at the instance of a disgruntled and unscrupulous licencee by name Sri K. Ramachandra Rao. Subsequent to the trap the Government was pleased to refer his case to the Special Judge for SP & ACB Cases at Vijayawada and the case of Sri R. Nagendar Rao, Circle Inspector was referred to Tribunal for Disciplinary Proceedings. In the case against the C.I. the Government was pleased to drop all further actions after receipt of the report from the Tribunal for disciplinary proceedings.
- his case was taken up on file by the Special Judge at Vijayawada in C.C.No.24/2000 and after detail trial after examination of 10 witnesses and after considering the documents under Ex.P-1 to 18 in the Special Judge at Vijayawada delivered the judgment on 15.12.2006 stating that he was not found guilty for the offences under Sec.7, 13 (1) (d) r/w 13(2), 12 and 15 of Prevention of Corruption Act, 1988 and that the prosecution failed to prove its case and that he was acquitted under section 248 (1) Cr.P.C. from the charges leveled against him. While giving judgment the Hon'ble Special Judge gave categorical reasoning based on the Supreme Court Judgments. There are absolutely no grounds for preferring an appeal to the Hon'ble High Court by the A.C.B. official, they uniformly do in the cases in which the lower court acquitted the accused officers, irrespective of the facts and merits of the case. Though it is most unfortunate, illegal and against the principles of natural justice. Action against Sri R.Nagendra Rao, Prohibition &

(P.T.O)

Excise Inspector (AO) was dropped, basing on the report of T.D.P, whereas appeal was filed by the Anti-Corruption Bureau in the Hon'ble High Court against the Anti-Corruption Bureau court judgment. Thus there is discrimination in the case.

- unfortunately the Director General, Anti-corruption Bureau has taken a unilateral decision to prefer an appeal before the Hon'ble High Court which is absolutely unjustified. He has been suffering since nearly two decades though he was innocent which was proved in the Court of Special Judge for SP & ACB Cases at Vijayawada. Moreover, the Main accused in the case (AO-1) was fully exonerated with all consequential benefits including promotion to the Higher cadres. Though he was innocent he was implicated in this case brutally and he was suffering since nearly two decades depriving of promotion and other benefits for no reason whereas his colleague already got promotion 13 years back.
- He has finally requested the Government to regularize the suspension period with all consequential benefits as per the acquittal order of the Hon'ble Court of Special Judge for SPE&ACB Cases at Vijayawada, dt. 15.12.2006.

4) Whereas, the Hon'ble Special Judge for SPE & ACB cases, Vijayawada in CC.No.24/2000, Dt 15.12.2006, among others has ordered as follows:

> "For the above reasons, I hold that the prosecution failed to prove that the AO being a public servant demanded bribe on 07.09.1998 and 10-09-1998 and he further demanded and accepted Rs.10,000/- on 15.09.1998 from P.W. 1 for himself as motive or reward for showing official favour for not implicating him in false case and cancel his licence. Hence, I find the accused officer not guilty for charges leveled against him u/s. 7, 13(1)(d) r/w 13(2) of P.C. Act, 1988".

5) Government after careful examination of the representation of Sri T.Satyanarayana Rao Prohibition & Excise Inspector and the orders of the Hon'ble Special Judge for SPE & ACB cases, Vijayawada in CC.No.24/2000, Dt 15.12.2006 have observed that the Hon'ble Special Judge for SPE & ACB cases, Vijayawada has acquitted the AO on merits and hence decided to regularize the suspension period of Sri T.Satyanarayana Rao Prohibition & Excise Inspector, from 14.10.1998 to 17.06.2002 as **ON DUTY** as per FR 54-B(4)/54-A(3) pending appeal in the Hon'ble High Court.

6) Accordingly, Government hereby order to regularize the suspension period of Sri T.Satyanarayana Rao Prohibition & Excise Inspector, from 14.10.1998 to 17.06.2002 as **ON DUTY** as per FR 54-B(4)/54-A(3) pending appeal in the Hon'ble High Court.

7) The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada is requested to take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri T.Satyanarayana Proh & Excise Inspector, Penugonda, West Godavari District
(through the Commissioner of Prohibition and Excise, A.P., Vijayawada)
The Commissioner of Prohibition and Excise, A.P., Vijayawada.

The file

// FORWARDED BY ORDER //

SECTION OFFICER